

FILED

DEC 19 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMANUEL W. HAWKINS,
Petitioner,
v.
J. SOTO, Warden,
Respondent.

No. C 14-04326 BLF (PR)
ORDER OF TRANSFER

Petitioner, a state prisoner, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, seeking a sentence reduction pursuant to California's Proposition 36.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d). Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). If the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See Habeas L.R. 2254-3(b)(2)*; *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). The petition indicates that Petitioner was convicted Los Angeles County and is currently

1 confined at the California State Prison in Los Angeles County. (Pet. at 1.) In any
2 case, venue lies properly in the Western Division of the Central District of
3 California. *See* 28 U.S.C. 84(c).

4 Accordingly, the above-titled action is hereby TRANSFERRED to the United
5 States District Court for the Western Division of the Central District of California.
6 *See* 28 U.S.C. §§ 1404(a), 2241(d); Habeas L.R. 2254-3.

7 The Clerk shall transfer this matter and terminate any pending motions.

8 **IT IS SO ORDERED.**

9
10 DATED: Dec 19, 2014


BETH LABSON FREEMAN
United States District Judge